IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11762 of 2004

Between:

T. Ayyapa Reddy, S/o. Rami Reddy,
Bathula Subbamma & Venkata Krishna Reddy Memorial Junior College,
Nuthalapadu, Parchur Mandal, Prakasam District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its SEcretary, Education Department,
Secretariat, Hyderabad.
2 The Director of Intermediate Education, Andhra Pradesh, Nampally, Hyderabad.
3 The Regional Joint Director of Intermediate Education, Guntur, Guntur District.
4 Bathula Subbamma & Venkata Krishna Reddy Memorial Junior College, Nuthalapadu, Parchur Mandal,
Prakasam District, Rep. by its Secretary-Cum-Correspondent.
5 Sri B. Brahma Reddy, S/o. Konda Reddy,
Bathula Subbamma & Venkata Krishna Reddy Memorial Junior College, Nuthalapadu, Parchur Mandal,
Prakasam District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the order in Proceedings No.A/Estt (3)/2004-2005 dt. 1-7-2004 issued by the 4th respondent herein as illegal, arbitrary, unreasonable, null and void and violative of Articles 14 and 16 of the Constitution of India and opposed to the very spirit and object of the provisions of the A.P. Education Act and

consequently direct the respondents 2 to 4 herein to appoint the petitioner as principal of the 4th respondent college

Counsel for the Petitioner:MR.A.V.SESHA SAI

Counsel for the Respondent Nos.1 to 3: GP FOR EDUCATION

The Court made the following:

ORDER:

Questioning the appointment of 5th respondent as Principal-in-charge (FAC) by proceedings vide RC.No.A/Estt (3)/2004-2005 dated 1-7-2004 issued by the 4th respondent, the present writ petition has been filed.

The learned counsel appearing for the writ petitioner contended that being the senior most lecturer, the writ petitioner gave representations dated 27-2-2004, 15-6-2004 and 2-7-2004 to the second and third respondents to consider his case for promotion as Principal and the same has not been considered by the respondents till date.

Admittedly, the Principal has to be appointed by the concerned authorities as per the rules and also on the recommendations made by the management ie., 4th respondent. Basing on the recommendations of the 4th respondent, respondents 1 and 3 have to pass appropriate orders. As per the impugned proceedings dated 1-7-2004, the 5th respondent is only placed as in-charge-Principal.

Inasmuch as, as per the rules and also on the recommendations made by the management i.e. 4th respondent, respondents 1 and 3 have to take a decision in the matter, hence, without going into the merits of the case, it is suffice to direct the respondents 1 and 3 to take appropriate decision on the representations made by the petitioner, in accordance with law, within a period of two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of with the above directions. In the circumstances, no order as to costs.

_____ 13-7-2004

Note:

Furnish CC

by two days.

B/o

rkk/dr

To

1 The Government of Andhra Pradesh, Rep. by its SEcretary, Education Department, Secretariat, Hyderabad.
2 The Director of Intermediate Education, Andhra Pradesh, Nampally, Hyderabad.
3 The Regional Joint Director of Intermediate Education, Guntur, Guntur District.
4 The Secretary-cum-Correspondent, Bathula Subbamma & Venkata Krishna Reddy Memorial Junior College, Nuthalapadu, Parchur Mandal, Prakasam District, Rep.

5. Two CCs to GP for Education, High Court Buildings,Hyderabad (OUT)

6. Two CD copies.